

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON TERRELL DAVIS, and  
LAFAYETTE BYRON DORSEY,

Defendants.

4:12CR3072

**MOTION FOR ISSUANCE OF  
PRELIMINARY ORDER OF FORFEITURE**

COMES NOW the Plaintiff, United States of America, and respectfully requests this Court issue a Preliminary Order of Forfeiture, forfeiting the Defendants' interests in the subject currency to the United States.

1. On July 17, 2012, a federal grand jury sitting in this District returned a one-Count Indictment against the Defendants. Count I charged the Defendants with conspiracy to distribute cocaine, cocaine base, and marijuana, in violation of 21 U.S.C. § 846. The Forfeiture Allegation of said Indictment sought the forfeiture, pursuant to 21 U.S.C. § 853, of \$2,767.00 in United States currency on the basis it was used or was intended to be used to facilitate the controlled substance violation alleged in Count I, and/or was derived from proceeds obtained directly or indirectly as a result of the commission of the controlled substance violation.

2. On November 27, 2012, a Change of Plea hearing was held and the Defendant, Brandon Terrell Davis, agreed to enter a plea of guilty to Count I and agreed to admit to the Forfeiture Allegation (Petition to Enter a Plea of Guilty, Filing No. 60).

3. On November 27, 2012, the Defendant, LaFayette Byron Dorsey, entered into a Plea Agreement (Filing No. 55) whereby he agreed to enter a plea of guilty to Count I and agreed to admit to the Forfeiture Allegation.

4. The Court's jurisdiction in this matter is founded on 21 U.S.C. § 853(a), which provides with respect to any person convicted of a drug violation punishable by imprisonment for more than one year, the Court, in imposing sentence, shall order that the person forfeit to the United States all property described in subsection 853(a). Thus, according to the pertinent statute, the Court must enter an order of forfeiture against all of the Defendants' interests and assets found to have been acquired, maintained or used in violation of the underlying drug felony statute. Additionally, pursuant to Fed. R. Crim. P., Rule 32.2(b)(3), the Court's Order "authorizes the Attorney General (or a designee) to seize the specific property subject to forfeiture[.]"

5. Upon the issuance of a Preliminary Order of Forfeiture, the United States will provide written notice to all third parties asserting a legal interest in the \$2,767.00 in United States currency, and will publish notice on an official internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), for at least thirty consecutive days of the Court's Order and the United States' intent to dispose of the currency in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n).

WHEREFORE, the Plaintiff, United States of America, respectfully requests this Court enter judgment of criminal forfeiture by issuing a Preliminary Order of Forfeiture, forfeiting to the United States of America the interests of the Defendants in the \$2,767.00 in United States currency, directing publication be made of the United States' intent to forfeit the currency, directing written notice be given to all third parties whom the United States knows is asserting a

legal interest in the currency and ordering the United States of America to seize forthwith the currency and dispose of it in accordance with the law.

Respectfully submitted,

UNITED STATES OF AMERICA,  
Plaintiff

DEBORAH R. GILG  
United States Attorney

*s/Nancy A. Svoboda*

By:

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 3, 2012, I caused the foregoing to be electronically filed with the Clerk of the Court of the United States District Court for the District of Nebraska by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

*s/Nancy A. Svoboda*

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NANCY A. SVOBODA  
Assistant United States Attorney